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How Freedom of Choice Was Assured POW's

(from the Neue Zuricher Zeitung, Switzerland, Jan. 12, p. 2, col. 1)

Stockholm, January 9 (United Press): Gunnar Wessman, member of the Swedish delegation on the United Nations Neutral Repatriation Commission, reported here today on the difficulties which the Commission encountered in investigating acts of atrocity and of terror in the camps of those prisoners who did not wish to be repatriated.

Wessman related how anti-Communist prisoners tortured and murdered one of their fellow prisoners who wanted to return home. The heart of the murdered man was cut out and cooked and all the inmates of those respective camps forced to eat a piece of it.

"The investigation of this incident was very difficult," Wessman explained. "At first the corpse was hidden under a tent, but when several prisoners were interrogated about the murder, other prisoners took the corpse into the kitchen and burned it. To camouflage the odor of burning flesh, they threw old shoes in the fire."

Since the body was entirely burned up, there was no way to prove that the murder had taken place. When the prisoners were questioned about the incident, they answered "I have bad eyes" or "I can't hear properly."

An Ugly Record of Lawlessness

The story in the box above is horrible. We reprint it after careful checking. The *Neue Züricher Zeitung* is one of Europe's most respected newspapers. We found the same story on page one of Sweden's leading paper, the *Dagens Nyheter*, for January 10. In this Gunnar Wessman was identified as an "Associate Judge" of the Swedish courts. The account, thus coming from a Swedish judge, just returned home from service on the UN Repatriation Commission in Korea, on which the Swedes and Swiss were the "anti-Communist neutrals," throws a dreadful light on the "freedom of choice" we were supposed to be enforcing in the POW camps.

We came across this story after several attempts to obtain a copy of the report turned in on December 28 by the UN Repatriation Commission. This report seems strangely to have disappeared. Correspondents at the UN in New York have been trying to obtain a copy for weeks. They were finally told that under the Commission's terms of reference this was a U.S. "unified command" military document and not a UN report.

When inquiry was made at the Pantagon by the *Weekly*, a reverse version was encountered. First, it was said that the report was "classified," though correspondents in Korea had already filed stories on it the day it was made. Then, it was said that this was a United Nations Document. We believe this report has not been made available to the press because too much of it is unpalatable to the American authorities.

Two weeks ago we did succeed in obtaining at State Department a portion of the conclusions. These disclosed (see our issue of Jan. 11) that the minority report by the Swedes and Swiss on the Commission declared that violence and murder in the anti-Communist compounds had prevented freedom of choice, "prisoners who desired repatriation . . . often had to apply for repatriation clandestinely and in fear of their lives." It was in an effort to obtain more from the Swiss legation and the Swedish embassy here that Judge Wessman's gruesome account came to light. Somehow it has been kept out of the American press.

This story provides a fitting epilogue to the final "freeing" of the POWs, a unilateral act which might have provoked renewed warfare if the Chinese Communists had not swallowed this new slight—as they have many previous affronts—in their desire for peace. As we go to press, the AP from Panmunjom reports a final revealing scene (Wash. *Star*, Jan. 20), "The Indians attempted to cull out a few prisoners they believe want to return to the Communists, but were largely prevented by the anti-Communist majority."

We put the word "freeing" in quotation marks because these men are being herded into the South Korean and Chinese Nationalist armies. As the *New York Times* reported (Jan. 20) from Seoul, "instead of getting their complete freedom now they are being taken to army induction centers."

The POW issue, on which the peace of the entire world might well have depended, was a fraud, an example of arrogant high-handedness on the part of our military in dealing with the prisoners and with the American public. As I showed in the *New York Daily Compass* May 27, 1952 and in the *Weekly* last February 7, two Red Cross reports criticizing the way our military conducted the screenings were effectively suppressed and kept from public knowledge.

"Voluntary" repatriation was rejected in the framing of the last Geneva convention on prisoners of war. There was a moral right not to go home but there was also a moral right to a real choice, free from the coercion of captivity. We trampled on the latter while trumpeting self-righteously about the former. The moral issue was made the smoke-screen for a conspiracy to allow Chiang Kai-shek and Syngman Rhee to recruit soldiers and stage affronts which might have upset the truce they hated. When the full story is known and told, it will be seen just how brazenly the American people were gulled, how many boys died unnecessarily while the military for months delayed a truce over our "moral duty" to the POWs.

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A New Approach to the Problem of Atomic Inspection

James R. Newman, counsel to the McMahon committee in the framing of the Atomic Energy Act, author (with Byron S. Miller) of the authoritative, "The Control of Atomic Energy", offers a fruitful new approach to the problem of atomic inspection in a letter on the Eisenhower atomic pool published by the Washington Post (January 9). Because of its importance and because it has not attracted the attention it deserves, we reprint the salient portions here:

By James R. Newman

The President, striving to avoid thorny paths, stressed the fact that his plan does not require the creation of a system of inspection and control. The Soviet reply may be said to accommodate itself to this more limited objective by proposing a bare convention outlawing the use of atomic weapons.

Thus, unfortunately, what most needed to be said was left unsaid. For if our generation is ever again to breathe easy—let alone survive—nothing will suffice short of an agreement which will mitigate the danger and fear of a sudden holocaust. We cannot escape the necessity of a control system made effective by some form of inspection.

The fundamental objective of a prudent control plan must be an agreed level of atomic and conventional armaments, and of armed forces, a level which would not permit the *surprise* unleashing of a major attack, not to say the waging of a major war. Proof that this level has been established and maintained should be furnished by an inspection system directed to key points of national activity, which would inevitably reflect clandestine preparations for war.

Is Such A System Possible?

It is commonly supposed that the operation of an effective inspection system entails almost insurmountable difficulties. It is assumed, for example, that a very large inspectorate would be needed for each country and that would seriously hamper the conduct of internal affairs—government and private. These assumptions are unjustified.

The several inspectorates need not be large. A small group of inspectors at key points can keep major production activities under surveillance. It is not important to know everything; it is important only to know important things. It is important to know if a country is mobilizing.

If an international agreement fixes levels of armaments production . . . these levels will be reflected in certain critical indices: steel and aluminum production, the use of electric power, shipbuilding, mining of strategic metals, the manufacture of machine tools, airframes, jet and internal combustion engines, electronics equipment.

Any significant departure from agreed-upon levels of production can be detected. It is unnecessary to keep every mine and factory under observation. The economy of a large industrial nation is so integrated, its parts are so interdependent, that a sharp increase in rate of output at one point is visible at every point. The inspectors need not concern themselves over leaks; their task is to watch for floods. War mobilization is a flood. The notion of hidden preparations for a major war is absurd. . . .

Illegal Manufacture of Fissionables

There are three essentials to keep in mind. First, both conventional and atomic weapons are needed to wage war. Second, small-scale illegal production of weapons in either category is pointless as a preparatory measure; simply not worth the risk of detection. Third, illegal manufacture of fissionables is no more difficult to detect than illegal manufacture of any other item requiring a large industrial effort. . .

What is sought is a practical *alarm system* which would give weeks or months of warning of a planned attack, rather than minutes or hours.

The people of the United States have been told that Russia has or soon will have a sufficient atomic stockpile to destroy 30 or 40 major cities, inflict 20 to 30 million casualties in a single assault. They have been told that the present warning system is capable at best of giving one or two hours notice of attack, but more likely only 15 minutes.

A vast and costly continental defense system might extend the grace period to six hours, and make possible the interception of, say, 50 percent of the invading bombers instead of 10 or 20 percent. It is admitted that the bombers that got through would probably suffice to destroy the cities, but the lengthening of the warning period would allow some of the inhabitants to save their lives by fleeing to the hills.

Not A Rational Solution

This is not a rational solution to the problem of our own survival, much less the survival of the nations of Western Europe. Therefore, the United States continues to place primary reliance on the deterrent effects of our atomic bombs. It is not claimed, to be sure, that American or European lives would be saved by destroying Russian lives; nor is it altogether certain that deterrents can be relied on to deter. Fear is more apt to drive men to war than to keep them peaceful. Moreover, it is unsafe to depend on the widespread realization that an atomic war would be mutually suicidal. A world war is more likely to start accidentally as the result of a small conflict, than by deliberate design. . . .

When Kit Clardy Himself "Pleaded The Fifth"

In his campaign for renomination in the Sixth District, Michigan, Congressman Kit Clardy (R.) will open hearings in Detroit February 22 as chairman of a House Un-American Activities subcommittee. More than 100 subpoenas have been issued for teachers, business men, lawyers and union leaders. Hearings will follow in Lansing and Flint, the principal towns in Clardy's district.

Approach of the Michigan hearings makes it relevant to recall when Clardy himself "pleaded the Fifth." Clardy was one of five members on the Michigan Public Utilities Commission in 1934 when charges were filed against him and two fellow Commissioners for "gross, wilful and habitual neglect of duty."

Among the charges were failing to act on a rate reduction petition against the Michigan Gas & Electric Company, favoring the common carriers against the small private operators in administering bus and truck regulations, and "extending credit" contrary to law to big trucking concerns. These companies at one time were allowed to "owe" the state more than $25,000 in highway and other fees.

Governor Comstock held a hearing on the charges but Clardy refused to testify. A lawyer appeared for him and entered technical objections. When the Governor dismissed Clardy, the latter appealed to the courts. The final decision of the case may be found reported at 268 Michigan Reports 196.

Chief Justice Nelson Sharpe of the Michigan Supreme Court ruled for a unanimous bench that the people of the State had a right to "good faith and right action" on he part of their officials, that "there was competent evidence to establish the truth of these charges" against Clardy and that "in the absence of any denial or explanation" on his part, the court had no recourse but to uphold the dismissal.

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Round the (Unsteady) Globe

Outlook at Berlin: "Dulles Sees Failure at Berlin if Soviet Tries to Split Allies." The Allies were split before the conference started. The conference opening today was only Dulles's way of appeasing Churchill. Dulles is anxious to prove as rapidly as possible that unification by agreement is unattainable. The British and French agree that it is at the moment unattainable; they need no conference to prove what is obvious. They are going to Berlin with other objectives—the relaxation of East-West tension and the renewal of relations with Russia as a balance of power counterpoise to the reawakening German monster.

The authoritative London *Times* in a "leader" January 14 reflected the view that while unification could not be achieved, fruitful minor "practical" agreements might be arrived at to improve travel and trade between the Eastern and Western zones of the Reich. "Scrutator", the foreign affairs commentator of the London *Sunday Times*, put forward a similar view on January 17.

When we asked Dulles about this British point of view at his final press conference before Berlin, he replied that he had not given up hope of achieving unification. It does not suit the State Department's book to have the conference end in "small ameliorations, such as lessen friction."* Dulles and Adenauer need to have the conference end with a big and resounding bang, clearing the way for rearmament of the Reich (at American expense) either through EDC, NATO or directly. Thus at the very beginning of the conference, the perspectives of Bonn and Washington were not the same as those of London and Paris.

This is all to the good. Western "unity", one of the shibboleths of current American policy, is an obstacle to peace; it would leave no one to play the broker's role between U. S. and U.S.S.R. (It is a pity that the Poles and Czechs do not have enough freedom of action on the other side to play a similar role). The Dulles position is one of no concessions; the Russians would have to give up Eastern Germany only to see a hostile armed bloc move several hundred miles closer to Soviet borders; the concession would only whet German appetite for the next morsel in Western Poland.

On the other hand, the Russians also enter the talks with hardened positions, still demanding equality for their East German puppets in an all-German provisional government. There seems to be less maneuvering power than ever at the talks now beginning. In this juncture it is the duty of London and Paris to search for minor agreements with which to soften the shock of another Great Power disagreement, and leave the door ajar for the future. As for German unification, it has many liabilities. Perhaps it is just as well that the Reich remain divided; there is no sign whatsoever that a united Reich would not set off again as arrogantly as ever on the same old path.

* Serutator

The Djilas Affair: This has two aspects, one international, the other domestic. Historically, as a Slav people situated between East and West, the Serbs have swung back and forth between Moscow and Western Europe. Tito has improved his relations with Russia since Stalin's death; his most advantageous position is to keep doors open on both sides; the kind of democratic regime envisaged by Djilas might leave Tito with no alternative Eastward if squeezed too hard by the West.

The internal angle is more interesting. When I was in Yugoslavia in the Fall of 1950, I found Yugoslav leaders quick to criticize Russia for "bureaucratism" and "dictatorship" but quite unwilling to take steps necessary to prevent a similar situation from developing in their own country. Every time the question of *habeas corpus* was raised as a fundamental reform with which to curb the secret police and bureaucratic excesses, there was a blank response.

Yugoslav leaders fear that it may be unwise to loosen the bonds of dictatorship until they have succeeded in industrializing and socializing their country. They also show a natural human unwillingness to give up power and the pleasant fruits of power. The Djilas affair dramatizes again some of the fundamental problems of socialism. How to get the State to wither away? How prevent the bureaucracy from establishing itself as a new ruling class? How adapt the great juristic achievements of the capitalist-liberal era to Socialist society?

When one sees a monstrosity like the Kirov law, under which treason charges, as in the Beria case, may be tried in secret *without the presence of the accused*, it is time for Marxists to study Madison's *Notes* and the *Federalist Papers*, There is much in them which embodies fundamental justice for any society, capitalist or socialist. This was the line along which Djilas was thinking; these are the dangerous thoughts of Socialist society in Yugoslavia, as in the Soviet bloc.

The Silence of the Cowed: Not a single voice was raised in the Senate (or elsewhere in Washington) to defend Special Ambassador Arthur H. Dean when he was given a tongue-lashing by Senator Welker (R. Idaho) for daring to suggest in newspaper interviews that it was time for a "new look" at China policy.

Lecture Footnote: IFS speaking at Carnegie Recital Hall, N. Y., Fri., Jan. 29, under the auspices of the Emergency Civil Liberties Committee, on the witch hunt legislation now before Congress.

Happy Birthday—Our New Year Begins—This is Vol. II, No. 1

In publishing, as in marriage, the first year is the hardest and we have weathered ours. Most of you have already renewed and—thanks to new subs—we expect to emerge from our first renewal campaign considerably above last year's level. An index to Vol. I has been prepared (by yours truly) and will be published soon as a supplement; this will be an annual feature. You will be as surprised as we were to see how much (and how much not to found elsewhere) has been packed into these four pages. Missing issues can still be obtained at 15 cents to complete any gaps in your file. If you have not yet renewed, you are in a minority of stragglers; celebrate the *Weekly's* birthday by renewing now, using the blank on the reverse page or the prepaid envelope you received with our "second round" mailing. If you have renewed, pass that letter and envelope on to a friend. And thanks for the many, many "happy returns" we have already received from so many of you,

—I. F. STONE

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Bulletin from Capitol Hill: The Witch Hunt Bills

Ike and the G.O.P. Take Over An Old Czarist Custom

Capitol Hill—Wire-tapping legislation may bog down; there is considerable hostility to it in Congress. The immunity bill might be blocked by rivalry between the Attorney General and Congressional investigators. The McCarran bill, as passed by the Senate last year, would let Congressional committees decide when witnesses could be compelled to testify. Brownell wants legislation which would grant the power of decision to the Attorney General. This would give Brownell final jurisdiction over recalcitrant witnesses and a veto over Congressional investigations. A measure embodying Brownell's views may pass the House, but would encounter rough going with the Senate. McCarthy is sour on immunity legislation not only because of the power sought by Brownell but because invocation of the Fifth by witnesses gives McCarthy easy victories.

Only "Liberal" Voice McCarran's?

Except for a hostile comment by McCarran, there is as yet no vocal opposition to Eisenhower's proposal to deprive Communist "conspirators" of their citizenship. The panic and mindlessness of some Senate "liberals" is reflected in the fact that the legislation should be co-sponsored (with Ferguson, R., Mich.) by Margeret Chase Smith of Maine, an opponent of "McCarthyism".

This is the background of the measure. Until the passage of the McCarran-Walter Immigration and Nationality Act in 1949 over Truman's veto, a native born American could lose his nationality only by renouncing it—by obtaining naturalization in a foreign state or swearing allegiance to it.

The McCarran-Walter Act added eight other provisions. Under these (Section 1481 USCA) a native born American can lose his nationality by serving without permission in the armed forces of a foreign power, accepting such employment in a foreign state as requires allegiance to it, voting in a foreign election, renouncing nationality abroad, renouncing nationality at home in time of war, deserting the armed forces in time of war, leaving or staying out of the U.S. to dodge military service and "committing any act of treason against, or attempting by force to overthrow, or bearing arms against the United States . . ."

First Time in The History of the Republic

In these provisions, for the first time since the foundation of the Republic, divestiture of nationality became a punishment for certain offenses. But there is this much to be said for the McCarran-Walter Act. Its provisions at least bear a relationship to the older concept that nationality can only be lost by an act of renunciation. Where this is implied, the implication is clear. A man who deserts the army or dodges the draft knows what he is doing; treason or attempt to overthrow the government requires overt act.

But the Eisenhower-Ferguson-Smith bill, makes it possible to lose nationality by "advocating" or "conspiring to advocate" revolutionary doctrine. Here the crime is a long way from overt acts, and conviction depends upon the shifting judgments of a jury and the climate of opinion. One of the companion House bills (by Kersten, R., Wisconsin) goes one step further and provides for loss of nationality for membership in any organization proscribed as a "Communist action" organization by the Subversive Activities Control Board!

Police State Practice

The Eisenhower-Ferguson-Smith bill would also add a new provision to that section (USC title 8, sec. 1251) of the McCarran-Walter Act which provides for deportation and if that is impossible for police surveillance or detention as an undesirable alien. This measure would import into the United States the same system of "internal exile", outlawry and police registration of radicals as was developed by Czarist Russia and has since been taken over by Communist Russia in handling suspected "counter-revolutionaries". Ike talks vapidly of "Wild Bill" Hickok, but his real inspiration seems to be "Wild Bill" Vishinsky.

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